

**NO. 01-18-00930-CR**

**KYLE DEAN KUYKENDALL**

**VS.**

**THE STATE OF TEXAS**

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§

**IN THE FIRST COURT**

**OF APPEALS**

**HOUSTON, TEXAS**

FILED IN  
1st COURT OF APPEALS  
HOUSTON, TEXAS  
3/7/2019 5:19:41 PM  
CHRISTOPHER A. PRINE  
Clerk

**MOTION TO WITHDRAW AS COUNSEL**

**TO THE HONORABLE JUSTICES OF SAID COURT:**

Now comes M. Patrick Maguire, Movant, and brings this Motion to Withdraw as Counsel and in support thereof shows:

1. Movant is attorney of record for Kyle Dean Kuykendall, and was appointed by the Court to represent Defendant on appeal.
2. Good cause to withdraw exists as specified below:
  - a. Undersigned counsel has reviewed the record in this cause and no meritorious issues warranting reversal were found that could be urged on appeal.
3. This withdrawal is not sought for delay, but that Defendant might be represented by counsel of his choice.
4. The last known address of Kyle Dean Kuykendall, Inmate #02214038, is as follows: TDCJ – ID, Dominguez Unit, 6535 Cagnon Road, San Antonio, Texas 78252.
5. A copy of this motion has been delivered to Kyle Dean Kuykendall, who was thereby notified in writing of his right to object to this motion. Undersigned counsel has notified Appellant of his right to file a pro se response to the Anders brief, along with his right to access and review the appellate record in this matter. Undersigned counsel has forwarded Appellant a form motion to access the appellate record for this

purpose. Further, undersigned counsel has notified Appellant of his right to file a pro se petition for discretionary review with the Texas Court of Criminal Appeals should the Court of Appeals declare the appeal to be frivolous.

6. There are no other pending settings or deadlines in this case because an “Anders” Brief was filed.

### **PRAYER**

**WHEREFORE, PREMISES CONSIDERED,** Movant prays that the Court will grant his motion to withdraw on the face of this pleading.

Respectfully submitted,

M. Patrick Maguire, P.C.  
Attorney and Counselor  
945 Barnett Street  
Kerrville, Texas 78028  
Tel: (830) 895-2590  
Fax: (830) 895-2594

By: /s/ M. Patrick Maguire  
M. Patrick Maguire  
State Bar No. 24002515  
Attorney for Kyle Dean Kuykendall

### **NOTICE TO CLIENT**

This is to notify you that this Motion for Withdrawal of Counsel is set for hearing at the time and place stated herein. You do not have to agree to this motion and if you contest the withdrawal of M. Patrick Maguire as attorney in this cause, you should appear at the hearing. If you do not oppose M. Patrick Maguire's withdrawal as attorney of record in this case, you may appear in court and inform the judge that you agree with this Motion.

BY: /s/ M. Patrick Maguire  
M. Patrick Maguire  
State Bar Number: 24002515

### **CERTIFICATE OF SERVICE**

This is to certify that on March 7, 2019, a true and correct copy of the above and foregoing document was served on the attorney for the State, Hon. Scott Monroe, via electronic transmission at scottm@198da.com, and whose address is 402 Clearwater Paseo, Suite 500, Kerrville, Texas 78028.

/s/ M. Patrick Maguire  
M. Patrick Maguire